

HOUSE BILL NO. 122

INTRODUCED BY V. SMALL-EASTMAN

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A SCHOOL DISTRICT EMPLOYEE FROM USING A PUBLICLY OWNED VEHICLE FOR PERSONAL USE; AND AMENDING SECTION 20-3-324, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-3-324, MCA, is amended to read:

"20-3-324. Powers and duties. (1) As prescribed elsewhere in this title, the trustees of each district shall:

~~(1)~~(a) employ or dismiss a teacher, principal, or other assistant upon the recommendation of the district superintendent, the county high school principal, or other principal as the board considers necessary, accepting or rejecting any recommendation as the trustees in their sole discretion determine, in accordance with the provisions of Title 20, chapter 4;

~~(2)~~(b) employ and dismiss administrative personnel, clerks, secretaries, teacher aides, custodians, maintenance personnel, school bus drivers, food service personnel, nurses, and any other personnel considered necessary to carry out the various services of the district;

~~(3)~~(c) administer the attendance and tuition provisions and govern the pupils of the district in accordance with the provisions of the pupils chapter of this title;

~~(4)~~(d) call, conduct, and certify the elections of the district in accordance with the provisions of the school elections chapter of this title;

~~(5)~~(e) participate in the teachers' retirement system of the state of Montana in accordance with the provisions of the teachers' retirement system chapter of Title 19;

~~(6)~~(f) participate in district boundary change actions in accordance with the provisions of the districts chapter of this title;

~~(7)~~(g) organize, open, close, or acquire isolation status for the schools of the district in accordance with the provisions of the school organization part of this title;

~~(8)~~(h) adopt and administer the annual budget or a budget amendment of the district in accordance with the provisions of the school budget system part of this title;

~~(9)~~(i) conduct the fiscal business of the district in accordance with the provisions of the school financial administration part of this title;

~~(10)~~(j) subject to 15-10-420, establish the ANB, BASE budget levy, over-BASE budget levy, additional levy, operating reserve, and state impact aid amounts for the general fund of the district in accordance with the provisions of the general fund part of this title;

~~(11)~~(k) establish, maintain, budget, and finance the transportation program of the district in accordance with the provisions of the transportation parts of this title;

~~(12)~~(l) issue, refund, sell, budget, and redeem the bonds of the district in accordance with the provisions of the bonds parts of this title;

~~(13)~~(m) when applicable, establish, financially administer, and budget for the tuition fund, retirement fund, building reserve fund, adult education fund, nonoperating fund, school food services fund, miscellaneous programs fund, building fund, lease or rental agreement fund, traffic education fund, impact aid fund, interlocal cooperative agreement fund, and other funds as authorized by the state superintendent of public instruction in accordance with the provisions of the other school funds parts of this title;

~~(14)~~(n) when applicable, administer any interlocal cooperative agreement, gifts, legacies, or devises in accordance with the provisions of the miscellaneous financial parts of this title;

~~(15)~~(o) hold in trust, acquire, and dispose of the real and personal property of the district in accordance with the provisions of the school sites and facilities part of this title;

~~(16)~~(p) operate the schools of the district in accordance with the provisions of the school calendar part of this title;

~~(17)~~(q) establish and maintain the instructional services of the schools of the district in accordance with the provisions of the instructional services, textbooks, K-12 career and vocational/technical education, and special education parts of this title;

~~(18)~~(r) establish and maintain the school food services of the district in accordance with the provisions of the school food services parts of this title;

~~(19)~~(s) make reports from time to time as the county superintendent, superintendent of public instruction, and board of public education may require;

~~(20)~~(t) retain, when considered advisable, a physician or registered nurse to inspect the sanitary conditions of the school or the general health conditions of each pupil and, upon request, make available to any parent or guardian any medical reports or health records maintained by the district pertaining to the child;

~~(24)~~(u) for each member of the trustees, visit each school of the district not less than once each school fiscal year to examine its management, conditions, and needs, except trustees from a first-class school district may share the responsibility for visiting each school in the district;

~~(22)~~(v) procure and display outside daily in suitable weather on school days at each school of the district an American flag that measures not less than 4 feet by 6 feet;

(23)(w) provide that an American flag that measures approximately 12 inches by 18 inches be prominently displayed in each classroom in each school of the district, except in a classroom in which the flag may get soiled. This requirement is waived if the flags are not provided by a local civic group.

~~(24)~~(x) adopt and administer a district policy on assessment for placement of any child who enrolls in a school of the district from a nonpublic school that is not accredited, as required in 20-5-110;

~~(25)(y)~~ upon request and in compliance with confidentiality requirements of state and federal law, disclose to interested parties school district student assessment data for any test required by the board of public education;

(26)(z) consider and may enter into an interlocal agreement with a postsecondary institution, as defined in 20-9-706, that authorizes 11th and 12th grade students to obtain credits through classes available only at a postsecondary institution;

~~(27)~~(aa) approve or disapprove the conduct of school on a Saturday in accordance with the provisions of 20-1-303;

~~(28)~~(bb) consider and, if advisable for a high school or K-12 district, establish a student financial institution, as defined in 32-1-115; and

~~(29)~~(cc) perform any other duty and enforce any other requirements for the government of the schools prescribed by this title, the policies of the board of public education, or the rules of the superintendent of public instruction.

(2) The trustees of each district may not allow a district employee to use a publicly owned motor vehicle for the employee's personal use."

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